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**OFFICE OF PETITIONS**

In re Application of :  
Ford et al. :  
Application No. 10/644,135 :  
Filed: August 20, 2003 :  
Attorney Docket No. 02-ASD-334 (EM) :

ON PETITION

This is a decision on the petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment in the above-identified application, or in the alternative, under 37 C.F.R. § 1.137(b) to revive the above-identified application, both filed June 20, 2006.

The petition under 37 C.F.R. § 1.181 is **DISMISSED**.

The above-identified application became abandoned for failure to timely reply to the Office action mailed September 14, 2005. Accordingly, the above-identified application became abandoned on December 15, 2005. A Notice of Abandonment was mailed on May 12, 2006.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

In the absence of any irregularity there is a strong presumption that the communications was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communications was not in fact received.

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<sup>1</sup> See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

A decision on the alternative petition under 37 CFR 1.137(b) will be held in abeyance to allow petitioner an opportunity to submit a copy of the docket record.


Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions